

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

PATRICK HUGHES

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v.

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Civil No. – JFM-15-1770

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DIANE S. ROSENBERG, ET AL.

MEMORANDUM

Plaintiff instituted this pro se action in the Circuit Court for Baltimore City. Defendants removed the action to this court. Presently pending are an “objection” to the removal (that I will treat as a motion to remand) and a motion to dismiss filed by defendants. The motion to remand will be denied, and the motion to dismiss will be granted.

There is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000. Thus, removal was entirely proper.

Three of plaintiff’s claims are not claims at all but requests for remedies. These are the claims for damages, specific performance, and declaratory relief asserted in counts III, IV, and VII. Self-evidently, they are subject to dismissal.

Plaintiff’s claim for an accounting asserted in count I likewise fails to state a claim upon which relief can be granted because plaintiff’s allegations do not suggest that defendants are in possession of facts and records known only to them and because there is no fiduciary relationship between the parties. *See Goldstein v. F.D.I.C.*, 2012 WL 1819284, at *13 (D. Md. May 16, 2012). Plaintiff’s claim for conversion is barred by limitations because, if it ever existed, it came into existence more than three years before the filing of this action. Plaintiff’s

claims for a violation of Maryland Uniform Trade Secrets Act and fraud fail to state any facts that would support their maintenance.¹

A separate order effecting the rulings made in this memorandum is being entered herewith.

Date: August 7, 2015

/s/
J. Frederick Motz
United States District Judge

¹ In his opposition to the motion to dismiss, plaintiff also appears to assert a claim for a violation of the Maryland Consumer Protection Act. However, he asserts no facts in support of such a claim.